

CHAPTER 3

MATERIAL PORTION REMOVAL

<u>Section Number</u>	<u>Section</u>	<u>Page Number</u>
3.1	OPTIONS	3-1
3.2	REMOVAL OF MATERIAL PORTIONS	3-2

3.1 OPTIONS

This chapter establishes procedures for ensuring that material portions loaded aboard export cargo vessels, into shipping bins, or railcars are completely removed from the lot. When a quantity of grain loaded aboard an export cargo vessel and /or into shipping bins or loaded into railcars is found to be a material portion 1/, the applicant for inspection may eliminate the material portion by:

- a. Requesting a review inspection (reinspection, appeal, etc.). For lots loaded under the CuSum inspection plan, the shipper may request a reinspection or appeal (not both) inspection in an effort to remove a material portion designation. If the review inspection brings all factor CuSum values back within their respective breakpoints, the grain shall no longer be considered a material portion.

When the review inspection *does not* cause the material portion designation to be eliminated, the applicant may:

- (1) request a Board appeal review,
 - (2) request a review inspection of the entire lot,
 - (3) allow the material portion to remain onboard, or
 - (4) remove the material portion from the vessel/unit train (and/or return from the shipping bins);
- b. Allowing the material portion to remain on board the vessel. Material portions remaining on board shall be certified as lots in accordance with established procedures; or
- c. Removing or returning the material portion from the lot. When completely removed, the material portion shall not be referenced on the export certificate(s) representing the grain remaining on board the vessel or in the unit train, as applicable.
- d. Infested. When a material portion is caused by infestation, the special grade “infested” may be removed if the grain is fumigated in accordance with established procedures.

1/ A portion of a lot which, in accordance with the shiplot inspection plan, is considered inferior to the contract grade.

3.2 REMOVAL OF MATERIAL PORTIONS

a. Shiplot Cargoes.

- (1) When the applicant for inspection elects to remove or return a material portion, official inspection personnel shall determine if the applicant's removal efforts are successful by:
 - (a) physically monitoring the removal,
 - (b) checking the weight of the grain discharged or returned, and
 - (c) when the material portion is caused by odor, infestation, or the presence of any harmful material including special grade factors such as garlic and smut, reexamining the grain remaining in the stowage area(s) after discharged is complete. When the material portion is caused by an analytical factor such as foreign material, or an official criteria factor such as aflatoxin, the grain remaining in the stowage area(s) after discharging is completed shall not be reexamined.
- (2) Official inspection personnel shall observe the removal operation to ensure that the grain identified as the material portion is removed from the correct stowage area(s) or shipping bin(s).

Official inspection personnel shall not enter the stowage area(s) prior to removal in order to locate the exact area where the affected grain is stowed. The applicant, however, shall be informed as the general area (fore, aft, port, starboard, etc.) in the affected hold(s) where the material portion was loaded. Official personnel are required to be knowledgeable of where the lot is being loaded at all times.
- (3) Official inspection personnel shall monitor the removal of grain from the vessel or grain returned from shipping bins, shall ensure it is officially weighed, and report the total amount returned. The amount of grain shall either be replaced or deducted from the net weight of the carrier (see Chapter 1 of the Weighing Handbook). The amount removed or returned must be equal to or greater than the amount declared to be a material portion.

In Canada, official inspection personnel shall ascertain the weight of the grain removed or run back by reviewing the elevator's weigh back records.

- (4) When a material portion is caused by odor, infestation, or the presence of any harmful material 2/, official inspection personnel shall enter the pertinent stowage area(s) after an amount of grain at least equal to the material portion has been removed and examine the grain remaining in the stowage area(s) to ensure that all of the material portion has been removed.

(a) Material portions caused by odor.

- 1 To examine stowage area(s) for odor, enter the hold(s) and take pan samples from the surface of the grain. One pan sample shall be drawn from each 100 square feet of affected area.
- 2 Examine (smell) each pan sample apart from all other pan samples. If the subject odor is present in any of the samples, the material portion shall not be considered completely removed from the vessel, regardless of the amount of grain that has been discharged.

(b) Material portions caused by infestation or the presence of harmful material.

- 1 To examine stowage area(s) for infestation or harmful material, enter the hold(s) and closely observe the surface of the grain in the affected area(s).

2/ For the purposes of this chapter, harmful material shall include, but not be limited to, U.S. Sample grade/distinctly low quality substances such as glass, crotalaria seeds, unknown foreign substances, and special grade substances such as garlic or smut.

- 2 Draw trier samples from the grain using a 12-foot (double-tubed) compartment grain trier, when possible. A shorter trier may be used, at the discretion of the field office manager, if it is deemed to be more practical than the 12-foot trier. One trier sample shall be drawn for each 100 square feet of affected area.
 - 3 Examine each trier sample, apart from all other trier samples, by pouring the sample into a sieve with a bottom pan. Use a 8/64- inch round hole sieve for corn and soybeans and a .064-inch by 3/8-inch oblong hole sieve for all other grains. Before sieving, examine the contents of the bottom pan for infestation and harmful material.
 - 4 If the condition that caused the material portion designation is observed in the stowage area(s) or found to be present in any of the samples in sufficient quantity so as to cause a lot to be considered sample grade, distinctly low quality, or infested, the material portion shall not be considered completely removed from the vessel, regardless of the amount of grain that has been removed.
 - 5 If a deleterious condition (objectionable odor, infestation, harmful material, etc.) other than that which caused the material portion is found to be present in sufficient quantity so as to cause a lot to be considered U.S. Sample grade, distinctly low quality, or infested, the grain shall be considered to be a material portion on account of that condition.
5. When it has been determined the material portion has not been completely discharged or the grain remaining in the stowage area is a material portion on account of another condition, the applicant may;
- (a) Discharge additional grain until it is determined the material portion is completely removed; or

- (b) Allow the material portion to remain on board the vessel. If allowed to remain on board, the official inspection personnel shall show the following statement in remark section of the export certificate; “an undetermined amount of (type of grain) containing (cause of material portion) was loaded into (stowage space) and not removed.”

b. Unit Trains.

Material portions are removed from the lot when the railcar(s) representing the material portion are removed (e.g., discharged, pulled out) from the unit train.

It is not necessary for official personnel to physically monitor the removal of material portions.